

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALIGN TECHNOLOGY, INC.,

Plaintiff,

V.

3SHAPE A/S and 3SHAPE INC.,

Defendants.

C.A. No. 17-1646-LPS-CJB

ALIGN TECHNOLOGY, INC.,

Plaintiff,

V.

3SHAPE A/S and 3SHAPE INC.,

Defendants.

C.A. No. 17-1647-LPS-CJB

ORDER.

At Wilmington, this 7th day of **September, 2018:**

For the reasons set forth in the Memorandum Opinion issued this date, **IT IS HEREBY ORDERED** that:

1. Defendants' motion to dismiss in C.A. No. 17-1646-LPS-CJB (D.I. 21) is:
 - (a) **DENIED** to the extent that it seeks dismissal of the Complaint for failing to plausibly allege direct, indirect, and willful infringement of any of the asserted patents under Rule 12(b)(6);
 - (b) **GRANTED** to the extent that it seeks dismissal of claims asserting infringement of U.S. Patent No. 7,112,065 under 35 U.S.C. § 101; and

(c) **DENIED** to the extent that it seeks dismissal of claims asserting infringement of U.S. Patent No. 9,451,873 under 35 U.S.C. § 101.


2. Defendants' motion to dismiss in C.A. No. 17-1647-LPS-CJB (D.I. 21) is:

(a) **DENIED** to the extent that it seeks dismissal of the Complaint for failing to plausibly allege direct, indirect, and willful infringement of any of the asserted patents under Rule 12(b)(6);

(b) **GRANTED** to the extent that it seeks dismissal of claims asserting infringement of U.S. Patent No. 6,227,850 under 35 U.S.C. § 101; and

(c) **DENIED** to the extent that it seeks dismissal of claims asserting infringement of U.S. Patent No. 8,734,149 under 35 U.S.C. § 101.

3. The parties shall meet and confer and, no later than **September 14, 2018**, submit a joint status report.



UNITED STATES DISTRICT JUDGE